

- (1) a MOTION TO DISMISS has been filed herein by the above named Defendants;
- (2) plaintiff has the right to oppose the granting of said motion; and
- (3) if plaintiff fails to oppose said motion, his complaint may be dismissed.

Plaintiff is further advised that under the procedures and policies of this court, motions to dismiss are normally decided on briefs. The court considers the pleadings and briefs filed by the parties in deciding whether dismissal is appropriate under the law.

FAILURE OF THE PLAINTIFF HEREIN TO RESPOND TO THE MOTION TO DISMISS MAY RESULT IN THE GRANTING OF THE MOTION. Upon the recommendation of the Magistrate Judge, the District Judge could then grant the motion to dismiss. There would be no trial or further proceedings herein.

Accordingly, the plaintiff may file a response to said motion to dismiss **WITHIN TWENTY(20) DAYS OF RECEIPT OF THIS ORDER.** Thereafter, the court will consider the motion and any opposition to same filed by the plaintiff.

SO NOTICED, this 22nd day of February 2007.

/s/ *Richard L. Hodge*
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE